## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:23-CV-617-D

KYLE MORGAN,	)	
Plaintiff,	)	
v.	)	ORDER
ROBERT ROBERSON SS LLC,	į	
Defendant.	)	

On October 30, 2023, Kyle Morgan ("Morgan" or "plaintiff") filed a complaint against Robert Roberson SS LLC ("Roberson" or "defendant") [D.E. 1] and a motion to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 2]. On November 15, 2023, pursuant to 28 U.S.C. § 636(b)(1), the court referred the motion to proceed in forma pauperis to Magistrate Judge Brian S. Meyers for a Memorandum and Recommendation ("M&R"). On December 14, 2023, Judge Meyers issued an M&R recommending that the court deny defendant's motion to proceed in forma pauperis and gave plaintiff until January 12, 2024, to pay the filing fee. See [D.E. 5].

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." <u>Diamond v. Colonial Life & Accident Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005) (cleaned up); see 28 U.S.C. § 636(b)(1). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond</u>, 416 F.3d at 315 (quotation omitted). If a party makes only general objections, de novo review is not required. <u>See Wells v. Shriners Hosp.</u>, 109 F.3d 198, 200 (4th Cir. 1997). In "order to preserve for appeal an

issue in a magistrate judge's report, a party must object to the finding or recommendation on that issue with sufficient specificity so as reasonably to alert the district court of the true ground for the objection." Martin v. Duffy, 858 F.3d 239, 245 (4th Cir. 2017) (quotation omitted); see United States v. Midgette, 478 F.3d 616, 622 (4th Cir. 2007).

Morgan did not object to the M&R; therefore, the court reviews for clear error. <u>See</u>

<u>Diamond</u>, 416 F.3d at 315. The court has reviewed the M&R and the record. There is no clear

error on the face of the record. <u>See id.</u> The court adopts the conclusions in the M&R [D.E. 5].

On January 12, 2024, Morgan paid the \$405.00 filing fee.

In sum, the court ADOPTS the conclusions in the M&R [D.E. 5] and DISMISSES AS MOOT plaintiff's motion to proceed in forma pauperis [D.E. 2].

SO ORDERED. This 5 day of March, 2024.

JAMES C. DEVER III
United States District Judge